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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,500

11/12/2003

David Tropp

7235

45096 7590 08/26/2005

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NEW YORK, NY 10017

EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,500

Applicant(s)

TROPP, DAVID

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of amendments/affidavits filed on 4/8/2005.
2. Claims 1-21 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-21 are rejected under 35 U.S.C. 102(a) as being anticipated by The Eastern Company Reports (S/N 109401861, 10/29/2003) by Mr. Leganza.

Re claims 1, 3-4, 6, 8, and 9: The Reports stated that the CCL Security Products have developed a new lock, which meets all requirements established by Travel Sentry in accordance with the TSA (Transportation Security Administration), which includes means of making available to consumers a special lock having a combination lock portion and a master key lock portion, the master key lock portion for receiving a master key that can open the master key lock portion of this special lock, the special lock designed to be applied to an individual piece of airline luggage, the special lock also having an identification structure associated therewith that matches an identification structure previously provided to the luggage screening entity, which special lock the luggage screening entity has agreed to process in accordance with a special procedure, the identification structure signaling to a luggage screener of the luggage screening entity who is screening luggage that the luggage screening entity has agreed to subject the

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special lock associated with the identification structure to the special procedure and that the luggage screening entity has a master key that opens the special and the luggage screening entity acting pursuant to a prior agreement to look for the identification structure while screening luggage and, upon finding said identification structure on an individual piece of luggage to use the master key previously provided to the luggage screening entity to, if necessary open the individual piece of luggage (herein in the reports, Mr. Leganza discloses that this lock will allow the airport passengers to lock their bags and not have the lock destroyed if the bag is inspected by the TSA. Furthermore, for a marketing perspective, Travel Sentry has sold nearly 300, 000 locks since the TSA began officially using the system in November 2003. The special also contains a TSA logo that indicates to the luggage screening authority that the lock is approved by the TSA and a master key and/or the combination to open the special is available to the screening entity. Therefore the lock needs not to be destroyed in order to open the luggage for inspection).

Re claim 2: The master key lock portion includes keyhole on a bottom of the special lock that receives the master key (see enclosed drawings).

Re claims 5, 7, 10, 13, 16, and 19: The special lock, wherein the identification structure is located directly or integrally formed with the special lock (see enclosed drawings).

Re claims 11-12, 14-15, 17-18, and 20-21: wherein the signaling involves a visual signal (The new combination locks, easily identified with a red and white logo; see enclosed drawings).

Response to Amendment

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of “ The Eastern Company Reports Results for the Third Quarter of 2003; 10795933 Supplier Number: 109401861, Oct 29, 2003” reference to either a constructive reduction to practice or an actual reduction to practice. Although the applicant did swear behind a conceptual date {12/19/2002}, the applicant fails to prove a direct link between the conceptual date and the reduction of practice. Therefore, the affidavits filed on 4/18/2005 lack diligence and is not adequate to disqualify the prior art. The examiner herein retains the rejection as set forth the office action (paper No. 4082005).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knight-Rider Tribune Business News (02891294 Supplier Number: 95623148, December 19, 2002).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



el
Edwyn Labaze
Patent Examiner
Art Unit 2876
August 8, 2005

THIEN M. LE
PRIMARY EXAMINER